

A variance from the Building Code Board of Appeals may be required for variances from the Zoning Board of Adjustment (no Sign Review Board cases need to call). Please consult a code specialist in the Plan Review Division at 974-2580.

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2013-0008
ROW # 10879853
TP- 0115040727

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 2205 Forest Trail

LEGAL DESCRIPTION: Subdivision - Tarrytown Place

Lot(s) 2 Block _____ Outlot _____ Division _____

I/We James Remore on behalf of myself/ourselves as
authorized agent for

James & Jessica Scott affirm that on
January 9, 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☒ COMPLETE ☐ REMODEL ☐ MAINTAIN

an approved remodel which was found to have the existing structure less than 5 feet
from the property line during construction.

Addition of 2nd story with a
side yard setback of 4'.

in a SF-3-NP district.

West Austin

(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The existing location of the structure along the north side property line was encroached upon during construction of the existing residence in 1948 when the structure was built. New construction was designed and built directly above the existing walls. Zoning regulations allow for existing non-conforming structures to remain, and allow additional encroachment parallel to property lines but do not allow for additional vertical encroachment.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:
The encroachment is existing and was not created by new construction, and approval was given to start construction. Now the encroachment has been constructed (where we discovered the problem and brought it to the attention of the city. Removing the encroaching wall at this point will have unsatisfactory results in terms of the façade, causing everything to be off center. After spending a lot of time and money in architectural fees to design a pleasing, conforming elevation. The results would be disappointing at best.

- (b) The hardship is not general to the area in which the property is located because:

There are a number of older residences built over building setback lines across Austin due to how homes were built long ago.

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The only noticeable change will be the additional height of the existing wall, which has already been approved. This will have no effect on any other properties. The variance will only allow us to accomplish what has already been approved, and not add any thing new to the approved plans.

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:
-
-

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:
-
-

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:
-
-

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:
-
-

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

City, Lakeway State Texas & Zip 78734

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

City, State & Zip
Austin, Texas, 78703

Printed James Scott Phone 512-472-4495 Date 1/9/2013

(The following is intended to provide assistance in explaining the variance process. These suggestions are not intended to be a complete or exhaustive guide in assisting you through this process.)

A. A variance may be granted if, because of special circumstances of a property, the strict application of the Land Development Code regulations deprives the property owner of privileges that are enjoyed by another person who owns property in the area that has the same zoning designation as the property for which the variance is requested.

B. A variance to a regulation may not grant special privileges that are inconsistent with the limitations on other properties in the area or in the district in which the property is located.

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Found Iron Rod
with cap

(S 15°52' W 55')
S 16°12'14" W 54.77'

5' Public Utility Easement
3/248

LOT 2 IS SUBJECT TO:
RESTRICTIONS AND EASEMENT
RIGHTS OF RECORD.

NOTE:
NOT ALL IMPROVEMENTS
ARE SHOWN.

SCALE
1"=20'

as found
on the
ground

record
call

EXISTING
~~TWO STORY~~
WOOD HOUSE

14-00000
VARIANCE
REQUEST
AREA

finished floor
elev. 100' (assumed)

gorch

~~FORMS~~

top of form 100'

LOT 2

DRIVE

Found Iron Rod
with cap \

(S 15°52'00" W 55')
S 15°52'00" W 54.30'

Set
Iron Rod
w/cap RPLS 4324

Set
Iron Rod
w/cap RPLS 4324

BEARING BASE
S 15°52'00" W
164.76'
to found Pipe

FOREST TRAIL
(PUBLIC ROAD)

LEGAL DESCRIPTION:

LOT 2, TARRY-TOWN PLACE, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF; RECORDED IN VOLUME 3, PAGE 248, PLAT RECORDS, TRAVIS COUNTY, TEXAS

State of Texas:
County of Travis:

The undersigned does hereby certify that this survey was this day made on the property legally described hereon and is correct, and this survey substantially complies with the current Texas Society of Professional Surveyors Standards and Specifications for a Category 5 Condition II Survey.

And I certify that the property shown hereon IS NOT within a special flood hazard area as identified by the Federal Insurance Adm. Department of HUD Flood hazard boundary map revised as per Map Number: 48453C0445H
Zone: X Dated: 09/26/08

Dated this the 2ND day of JANUARY, 2013.

Thomas P. Dixon R.P.L.S. 4324

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